

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 26TH DAY OF OCTOBER 2015/4TH KARTHIKA, 1937

Crl.MC.No. 6895 of 2015 ()

**-----
CC 900/2014 of ADDITIONAL CHIEF JUDICIAL MAGISTRATE'S COURT(ECONOMIC
OFFENCES),ERNAKULAM
CRIME NO. 1474/2013 OF ERNAKULAM SOUTH POLICE STATION , ERNAKULAM
DISTRICT
=====**

PETITIONER/ACCUSED:

**-----
PRAVEEN NAIR, AGED 46 YEARS
S/O.SIVASANKARAN NAIR
B.804 NCC, PEARL BAG, PUTHIYA ROAD
K.P.VALLON ROAD, KADAVANTHRA
ERNAKULAM DISTRICT**

BY ADV. SRI.SANTHEEP ANKARATH

RESPONDENTS/STATE & COMPLAINANT:

**-----
1. THE STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM, REPRESENTING THROUGH
SUB INSPECTOR OF POLICE, ERNAKULAM
TOWN SOUTH POLICE STATION
ERNAKULAM, KOCHI – 682031**

**2. ANUPAMA, AGED 36 YEARS, D/O. GOVINDAN
MADATHIL VEEDU, KAYILIYAD P.O.
MAMPATTAPADI, SHORNUR
PALAKKAD DISTRICT, PIN - 679122**

**R2 BY ADV. SRI.ARUN MATHEW VADAKKAN
R1 BY PUBLIC PROSECUTOR SMT. SHEEBA M.T.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 26-10-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

- | | |
|--------------------|--|
| ANNEXURE A1 | CERTIFIED COPY OF FIRST INFORMATION REPORT DATED 25.10.2013 IN CRIME NO. 1474/2013 OF ERNAKULAM TOWN SOUTH POLICE STATION |
| ANNEXURE A2 | CERTIFIED COPY OF FINAL REPORT DATED 31.10.2013 IN CRIME NO. 1474/2013 OF ERNAKULAM TOWN SOUTH POLICE STATION |
| ANNEXURE A3 | AFFIDAVIT OF THE 2ND RESPONDENT DATED 24.10.2015 |

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C. No.6895 of 2015

Dated this the 26th day of October, 2015

O R D E R

The petitioner herein is the accused in C.C. No.900/2014 of the Additional Chief Judicial Magistrate's Court, (Economic Offences), Ernakulam. He seeks orders quashing the prosecution on the ground of amicable settlement of the whole dispute between him and the de facto complainant. Crime in this case was registered under Section 498-A IPC, on the complaint of one Anupama, who is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. She has filed affidavit to the effect that she has settled the whole dispute with the accused, and she has no grievance or complaint now. Her affidavit shows that the whole matrimonial dispute stands resolved forever, and that she has joined her husband in matrimony. Now, it is submitted that they are leading a very happy matrimony. In such a situation, it is appropriate that the prosecution be quashed.

2. In so many decisions, the Hon'ble Supreme Court has

held that even in cases involving non-compoundable offences, the High Court can quash the prosecution in pending proceedings, if the parties have really settled the whole dispute amicably out of court, and continuance of further proceedings will not serve any purpose in such a circumstance of amicable settlement. Here, I find a real and genuine case of settlement between the parties. This is not a case involving any public interest or public issue. The parties have come to terms amicably on the intervention of persons acceptable to both sides. In such a situation, continuance of the prosecution will not serve any purpose other than wasting the precious time of the court. No doubt, nobody will support the prosecution in such a situation, if the case goes to trial.

In the result, this petition is allowed. The prosecution against the petitioner herein in C.C. No.900/2014 of the Additional Chief Judicial Magistrate's Court, (Economic Offences), Ernakulam, will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioner will stand released from prosecution and the bail bond, if any, executed by him will stand discharged.

Sd/-
P. UBAID, JUDGE

sd

// True Copy // P.A. to Judge